



John T. Butler  
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RECEIVED-FPSC  
 10 AUG 18 PM 12:11  
 COMMISSION  
 CLERK

August 18, 2010

**VIA HAND DELIVERY**

Ms. Ann Cole, Director  
 Division of the Commission Clerk and  
 Administrative Services  
 Florida Public Service Commission  
 Betty Easley Conference Center, Room 110  
 2540 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-0850

\_\_\_ CLAIM OF CONFIDENTIALITY  
 \_\_\_ NOTICE OF INTENT  
 X REQUEST FOR CONFIDENTIALITY  
 \_\_\_ FILED BY OPC  
 FOR DN 06816-10, WHICH  
 IS IN LOCKED STORAGE. YOU MUST BE  
 AUTHORIZED TO VIEW THIS DN. - CLK

**Re: Florida Power & Light Company's Request for Confidential Classification of  
 Certain Material Provided in Connection with Schedule A12 - Capacity Costs  
Docket No. 100001-EI**

Dear Ms. Cole:

I am enclosing for filing in the above-referenced matter, an original and seven (7) copies of Florida Power & Light Company's ("FPL") Request for Confidential Classification. The original includes Attachments A, B, and C.

Attachment A contains the confidential information that is the subject of FPL's Request for Confidential Classification. Attachment A is submitted for filing separately and marked "ATTACHMENT A - CONFIDENTIAL. Attachment B is an edited version of Attachment A, in which the information FPL asserts is confidential has been blocked out. Attachment C contains FPL's justification for its request for confidential classification.

In accordance with Rule 25-22.006(3)(d), FPL requests confidential treatment of the information in Attachment A pending disposition of FPL's request for Confidential Classification.

Also included herewith is a computer diskette containing FPL's Request for Confidential Classification and Attachment C. The diskette is HD density, the operating system is Windows XP, and the processing software is Word. Please feel free to contact me should you or your Staff have any questions regarding this filing.

COM \_\_\_\_\_  
 APA \_\_\_\_\_  
 ECR \_\_\_\_\_  
 GCL \_\_\_\_\_  
 RAD \_\_\_\_\_  
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 ADM \_\_\_\_\_  
 OPC \_\_\_\_\_  
 CLK Pena

3 HD containing req. and exhibit  
 C(06816-10)

JTB/jsb  
 Enclosures  
 ee: Service List (w/out attachments)

Sincerely,  
  
 John T. Butler

DOCUMENT SEARCH DATE  
 86815 AUG 18 2010  
 FPSC-00 MAIL ROOM

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power )  
Cost Recovery Clause and Generating )  
Performance Incentive Factor )  
\_\_\_\_\_ )

DOCKET NO. 100001-EI

FILED: August 18, 2010

**REQUEST FOR CONFIDENTIAL CLASSIFICATION**

NOW, BEFORE THIS COMMISSION, through undersigned counsel, comes Florida Power & Light Company ("FPL") and, pursuant to section 25-22.006 of the Florida Administrative Code and section 366.093 of the Florida Statutes, hereby requests confidential classification of certain information on Florida Public Service Commission ("FPSC" or "Commission") Schedule A12, Capacity Costs for the month of July 2010 submitted in Docket No. 100001-EI. In support of its Request, FPL states as follows:

1. Petitioner's principal business address is as follows:

Florida Power & Light Company  
P.O. Box 029100  
Miami, Florida 33102-9100

Orders, notices, or other pleadings related to this request should be served on:

R. Wade Litchfield  
Vice President and General Counsel  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 691-7101  
(561) 691-7135 Fax

John T. Butler  
Managing Attorney  
Regulatory Affairs  
Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, FL 33408-0420  
(561) 304-5639  
(561) 691-7135 Fax

2. The following attachments are included herewith and made a part hereof:
  - a. Attachment A includes the complete and unedited version of FPL's Schedule A12, Capacity Costs, which contains certain information that FPL asserts should be accorded confidential treatment. The information in Attachment A for which FPL seeks confidential classification has been highlighted. Attachment A is submitted separately in a sealed envelope marked "**CONFIDENTIAL.**"
  - b. Attachment B is the edited version of Attachment A. All information that FPL asserts is entitled to confidential treatment has been blocked out in Attachment B.
  - c. Attachment C identifies information for which confidential treatment is sought and, with regard to the type of information, contains a brief statement that explains the need for confidentiality and refers to the specific statutory basis or bases for the request.


3. Pursuant to section 366.093, FPL seeks confidential protection for the information highlighted in Attachment A. FPL submits that such information is proprietary confidential business information within the meaning of section 366.093(3). Pursuant to section 366.093, such materials are entitled to confidential treatment and are exempt from the disclosure provisions of the public records law. Thus, once the Commission determines that the information in question is proprietary confidential business information, the Commission is not required to engage in any further analysis or review such as weighing the harm of disclosure against the public interest in access to the information.

4. The statutory bases and support for FPL's assertion of confidentiality with regard to the types of information is set forth in Attachment C. The information for which confidential classification is sought is intended to be and is treated by FPL as confidential and, to the best of FPL's knowledge and belief, has not been publicly disclosed.

5. Upon a finding by the Commission that the material in Attachment A for which FPL seeks confidential treatment is proprietary confidential business information within the meaning of section 366.093(3), pursuant to section 366.093(4) such materials should not be declassified for eighteen (18) months, or as otherwise extended by the Commission. Further, the materials should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business.

**WHEREFORE**, for the foregoing reasons, including those set forth in the supporting materials included herewith, Florida Power & Light Company respectfully requests that its Request for Confidential Classification be granted.

Respectfully submitted,



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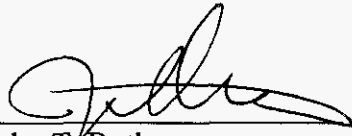
JOHN T. BUTLER  
Managing Attorney  
Florida Bar No. 283479  
Attorney for Florida Power & Light Company  
700 Universe Boulevard  
Juno Beach, Florida 33408-0420  
Tel.: (561) 304-5639  
Fax: (561) 691-7135

## CERTIFICATE OF SERVICE

I, **THE UNDERSIGNED COUNSEL, HEREBY CERTIFY** that a copy of Florida Power & Light Company's Request for Confidential Classification, without Attachment A, has been served via first class mail, postage prepaid to the parties listed below, this 18th day of August, 2010:

<p>Lisa Bennett, Esq. Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 <a href="mailto:LBENNETT@PSC.STATE.FL.US">LBENNETT@PSC.STATE.FL.US</a></p>	<p>J. R. Kelly, Esq. Patricia Christensen, Esq. Charles Beck, Esq. Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, Florida 32399 <a href="mailto:Kelly.jr@leg.state.fl.us">Kelly.jr@leg.state.fl.us</a> <a href="mailto:Christensen.patty@leg.state.fl.us">Christensen.patty@leg.state.fl.us</a> <a href="mailto:beck.charles@leg.state.fl.us">beck.charles@leg.state.fl.us</a></p>
<p>James D. Beasley, Esq Ausley &amp; McMullen Attorneys for Tampa Electric P.O. Box 391 Tallahassee, Florida 32302 <a href="mailto:jbeasley@ausley.com">jbeasley@ausley.com</a> <a href="mailto:lwillis@ausley.com">lwillis@ausley.com</a></p>	<p>John T. Burnett, Esq. Progress Energy Service Company, LLC P.O. Box 14042 St. Petersburg, Florida 33733-4042 <a href="mailto:john.burnett@pgnmail.com">john.burnett@pgnmail.com</a></p>
<p>John W. McWhirter, Jr., Esq McWhirter &amp; Davidson, P.A. Attorneys for FIPUG P.O. Box 3350 Tampa, Florida 33602 <a href="mailto:jmcwhirter@mac-law.com">jmcwhirter@mac-law.com</a></p>	<p>Beth Keating, Esq. Akerman, Senterfitt Attorneys for FPUC 106 East College Avenue Suite 1200 Tallahassee, Florida 32301 <a href="mailto:Beth.keating@akerman.com">Beth.keating@akerman.com</a></p>
<p>Jeffrey A. Stone, Esq. Russell A. Badders, Esq. Beggs &amp; Lane Attorneys for Gulf Power P.O. Box 12950 Pensacola, Florida 32576-2950 <a href="mailto:jas@beggslane.com">jas@beggslane.com</a> <a href="mailto:rab@beggslane.com">rab@beggslane.com</a></p>	<p>James W. Brew, Esq Attorney for White Springs Brickfield, Burchette, Ritts &amp; Stone, The P.C 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 2007-5201 <a href="mailto:jbrew@bbrslaw.com">jbrew@bbrslaw.com</a></p>

<p>Robert Scheffel Wright, Esq  Jay T. LaVia, III, Esq  Young van Assenderp, P.A  Attorneys for Florida Retail Federation  225 South Adams Street, Suite 200  Tallahassee, FL 32301  <a href="mailto:swright@yvlaw.net">swright@yvlaw.net</a>  <a href="mailto:jlavia@yvlaw.net">jlavia@yvlaw.net</a></p>	<p>Jon C. Moyle and Vicki Kaufman  Keefe, Anchors Gordon &amp; Moyle, P.A.  118 N. Gadsden St.  Tallahassee, FL 32301  Co-Counsel for FIPUG  <a href="mailto:vkaufman@kagmlaw.com">vkaufman@kagmlaw.com</a>  <a href="mailto:jmoyle@kagmlaw.com">jmoyle@kagmlaw.com</a></p>
<p>Cecilia Bradley  Senior Assistant Attorney General  Office of the Attorney General  The Capitol - PL01  Tallahassee, FL 32399-1050  <a href="mailto:cecilia.bradley@myfloridalegal.com">cecilia.bradley@myfloridalegal.com</a></p>	<p>Michael Barrett  Division of Legal Services  Florida Public Service Commission  2540 Shumard Oak Blvd  Tallahassee, Florida 32399-0850  <a href="mailto:mbarrett@psc.state.fl.us">mbarrett@psc.state.fl.us</a></p>
<p>Captain Shayla L. McNeill  Attorney for the FEA  AFLOA/JACL-ULFSC  139 Barnes Drive, Suite 1  Tyndall AFB, FL 32403-5319  <a href="mailto:Shayla.mcneill@tyndall.af.mil">Shayla.mcneill@tyndall.af.mil</a></p>	

By:   
John T. Butler  
Fla. Bar No. 283479

**ATTACHMENT “A”**

**FPL’S SCHEDULE A12  
CAPACITY COSTS**

**CONFIDENTIAL  
FILED UNDER SEPARATE COVER**

State of Florida



## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

John T. Butler  
700 Universe Blvd  
Juno Beach FL 33408-0428

**Re: Acknowledgement of Confidential Filing in Docket No. 100001-EI**

**This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on August 18, 2010, in the above-referenced docket.**

**Document Number 06816-10 has been assigned to this filing, which will be maintained in locked storage.**

**If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.**